

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
In re Terrorist Attacks on September 11, 2001 : 03 MDL 1570 (RCC)  
:  
----- X ECF Case

This document relates to

*Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al.*, No. 02 Civ. 6977  
(S.D.N.Y.)

*Thomas Burnett, Sr., et al. v. Al Baraka Investment & Development Corp., et al.*,  
03 Civ. 5738 (S.D.N.Y.)

*Federal Insurance Co., et al. v. Al Qaida, et al.*, No. 03 Civ. 6978 (S.D.N.Y.)

*Thomas Burnett, Sr., et al. v. Al Baraka Investment & Development Corp., et al.*,  
03 Civ. 9849 (S.D.N.Y.)

*Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment & Development  
Corp., et al.*, No. 04 Civ. 1923 (S.D.N.Y.)

*Continental Casualty Co., et al. v. Al Qaeda, et al.*, No. 04 Civ. 5970 (S.D.N.Y.)

*New York Marine & General Insurance Co. v. Al Qaida a/k/a Al Qaeda, et al.*,  
No. 04 Civ. 6105 (S.D.N.Y.)

*Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al.*, No. 04 Civ.  
7065 (S.D.N.Y.)

*Euro Brokers Inc., et al., v. Al Baraka Investment & Development Corp., et al.*,  
No. 04 Civ. 7279 (S.D.N.Y.)

*World Trade Center Properties LLC, et al. v. Al Baraka Investment &  
Development Corp., et al.*, No. 04 Civ. 7280 (S.D.N.Y.)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that, upon the accompanying Memorandum of Law, the Declaration of Obaid Al Shamsi dated May 25, 2005, and upon all other pleadings and proceedings herein, the undersigned will move this Court, before the Honorable Richard C. Casey, U.S.D.J., in Courtroom 14C, in the United States Courthouse, 500 Pearl Street, New York, New York, for an order dismissing the claims against Defendant Dubai Islamic Bank ("DIB") in the above-captioned cases, pursuant to Fed. R. Civ. P.

12(b)(2) and 12(b)(6), and granting DIB such other and further relief as this Court deems just, proper, and equitable.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Stipulation “So Ordered” by the Court on March 16, 2005, the plaintiffs’ papers in opposition shall be served upon the undersigned on or before July 26, 2005; and DIB’s papers in reply shall be served on or before August 25, 2005.

Dated: New York, New York  
May 27, 2005

ZUKERMAN GORE & BRANDEIS, LLP

By: /s/ John K. Crossman  
John K. Crossman (JC 7387)  
Frank C. Welzer (FW 7159)  
875 Third Avenue  
New York, New York 10022  
212.223.6700

*Attorneys for Dubai Islamic Bank*

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Development Corp., et al.*, No. 04 Civ. 7280 (S.D.N.Y.)

**CERTIFICATE OF SERVICE**

I, Frank Welzer, hereby certify that I have this 27<sup>th</sup> day of May, 2005 caused to be served a true and correct copy of the foregoing Notice of Motion of Defendant Dubai Islamic Bank's Motion to Dismiss, the accompanying Memorandum of Law, and the Declaration of Obaid Al Shamsi upon all parties who are filing users in the above-captioned actions by filing with the United States District Court for the Southern District

of New York via the Court's Electronic Case Filing ("ECF") system, pursuant to Case Management Order No. 2 and Procedure 9 of the Court's Procedures for ECF.

Dated: New York, New York  
May 27, 2005

/s/  
Frank C. Welzer